

Fwd: Heads-up - The IACHR will issue a press release on Canada and the right to protest

From: sandra.aube@international.gc.ca
To: "Astravas, Zita" <zita.astravas@qpc-cpr.gc.ca>
Date: Wed, 23 Feb 2022 04:12:33 +0000

flagging for you
Also let's chat soon.

S.

Sent from my iPhone

Begin forwarded message:

From: "Aubé, Sandra -MINA" <Sandra.Aube@international.gc.ca>
Date: February 22, 2022 at 11:09:23 PM EST
To: Alexander.Steinhouse@justice.gc.ca, Mike Jones <mike.jones@ps-sp.gc.ca>
Cc: "Gagnon, Chantal -MINA" <Chantal.Gagnon2@international.gc.ca>
Subject: Fwd: Heads-up - The IACHR will issue a press release on Canada and the right to protest

Colleagues - please see below. We are scrambling on this report, coming out tomorrow. PMO is engaged and our teams will be in touch.
it is problematic.

S.

Sent from my iPhone

Begin forwarded message:

The Inter-American Commission on Human Rights (IACHR) and its Office of the Special Rapporteur for Freedom of Expression (SRFOE) plan to issue a press release at 3pm tomorrow regarding Canada. The draft text is below. Per their procedure, we have until 2:45pm tomorrow to provide comments on the draft text particularly as regards factual errors; the IACHR will review carefully and determine whether to take into consideration.

IACHR and its SRFOE call on the State of Canada to guarantee the right to protest in accordance with international standards and to strengthen the channels of dialogue with all sectors of society

February XX, 2022

Washington, DC - The Inter-American Commission on Human Rights (IACHR) and its Office of the Special Rapporteur for Freedom of Expression (SRFOE) express its

concern about the escalation of social tension, arrests, and the opening of criminal proceedings in the context of social demonstrations in opposition to the health measures adopted by the national government in Canada. The IACHR and its SRFOE call on the State to respect and guarantee the right to peaceful assembly and association in accordance with international human rights standards, and to strengthen the channels of dialogue with all sectors of the population.

Since January 28, 2022, a series of social demonstrations have been taking place against the health measures adopted by the national government in the framework of the COVID-19 pandemic, according to the information available. In particular, the protests reportedly started due to the objections of truckers who oppose the vaccination requirement to cross the border between Canada and the United States. The epicenter of the movement is reportedly in the province of Ontario and its capital, Ottawa. The protests would have included the blocking of international routes and bridges, and the use of horns for a long time and at high volume levels.

On February 8, 2022, the Ottawa Police reported that 23 people had been arrested in relation to criminal charges including resisting police, flight from police, and drug possession, among others. In addition, they pointed out that 85 criminal investigations had been initiated for events related to the protests and issued more than 1,300 tickets for infractions such as the continuous use of horns or pyrotechnics. On February 17, the Ottawa Police reportedly arrested at least two protest leaders, according to available information. Also, on February 18, police officers reportedly attempted to disperse the protesters who remained in the central area of the city; in this context, according to [an official message from the police](#), some protesters "are being detained". The IACHR and its Office of the Special Rapporteur understand that there is insufficient information to consider that the vast majority of the arrests and criminal investigations opened in the course of the last few weeks meet the requirements of strict necessity and proportionality established by international human rights standards.

Moreover, the Office of the Special Rapporteur received information that on February 6, a 78-year-old citizen –fined for "unnecessary noise" – was reportedly forcibly removed from his vehicle, brought to his knees, and handcuffed by police agents for honking his horn in support of the demonstrators. In this context, on February 7, an Ontario Court issued an injunction that restricted the use of loudspeakers in certain regions of the capital for 10 days, after the filing of a class action on behalf of the residents of the vicinity of the area of protests that were considered affected by the sound.

In a February 9 statement, the Ottawa Police warned that "the illegal act of blocking streets in the center of the city" could constitute a crime of damage to property, and that people could be detained without a court order based on said rule. On February 16, the security forces again urged citizens to "leave the area", indicating that "anyone blocking the streets, or assisting others in blocking streets, are committing a criminal offence and you may be arrested" and "must immediately cease further unlawful activity or you will face charges".

The IACHR also notes that on February 14, the high government invoked emergency powers - to be approved by Parliament within seven days - in an effort to put an end to the protests.

The IACHR has pointed out on multiple occasions that social protest is an essential element for the consolidation of democratic societies, and that it can take place in many different forms and modalities. In this sense, and in accordance with international human rights standards, protesters have the right to choose the content and messages of the protest, regardless of their greater or lesser social and state acceptance. In its report on "[Protest and Human Rights](#)" the Commission emphasized that some forms of protest may present complexities to harmonize the rights at stake, since "they seek to generate a certain disruption of daily life or challenge practices and norms as a form of making proposals or issues visible".

However, the Commission and its SRFOE have highlighted that the States must not interpret the demonstrations in a restrictive manner; on the contrary, state responses framed in dialogue are required.

In addition, the IACHR has recognized that the type of alterations in daily functioning that social protests provoke "are part of the mechanics of a plural society, where diverse, often contradictory, interests coexist and must find the spaces and channels through which to express themselves". When the eventual disruption of daily life in these contexts, for example through roadblocks or blockades, extends over time and escalates to the point of compromising the guarantee of other rights such as the provision of food and the right to health, the State has an accentuated duty to facilitate all possible mechanisms for dialogue and coexistence for all the rights in tension, with the use of force as a last resort, and in turn attending to the principle of interdependence of human rights.

On the other hand, the IACHR and its SRFOE recall that the arrests carried out by the security forces in this framework must strictly comply with all the requirements imposed by domestic laws and international standards.

Also, they recall that social protests constitute an important opportunity to improve guarantees for public debate and to strengthen the democratic and human rights system. For this reason, they encourage official voices to avoid assigning labels that could stigmatize protesters and obstruct the path for a genuine dialogue. As the IACHR has pointed out on previous occasions, polarization and stigmatization "hinder efforts to use dialogue as a mechanism for reaching solutions to social conflict".

Based on these considerations, the IACHR and its SRFOE call on the different levels of the Canadian government to guarantee the right to peaceful protest in accordance with its international human rights obligations; to strengthen the channels of dialogue with all sectors of the population, particularly with those who are expressing their opinions through protest; and to generate conciliation spaces for the coexistence of rights in tension.

The Office of the Special Rapporteur for Freedom of Expression is an office created by the Inter-American Commission on Human Rights (IACHR) to encourage the hemispheric defense of the right to freedom of thought and expression, considering its fundamental role in the consolidation and development of the democratic system.

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for and to defend human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.